



STATE OF MICHIGAN

JENNIFER M. GRANHOLM
GOVERNOR

EMERGENCY TELEPHONE SERVICE COMMITTEE
EAST LANSING

SHERIFF DALE GRIBLER
CHAIR

ETSC MEETING
Lake Michigan College
South Haven, Michigan

June 21, 2005
10 a.m.

MEETING MINUTES

| MEMBERS PRESENT | REPRESENTING |
|---|--|
| Sheriff Dale Gribler, Chair | Michigan Sheriffs' Association |
| Mr. John Bawol | Assn. of Public Safety Comm. Officials |
| Mr. Steve Berenbaum | Telecommunications Association of Michigan |
| Mr. Leonard Norman representing Mr. John Buczek | Fraternal Order of Police |
| Mr. William Charon, Vice Chair | Michigan Communications Directors Assoc. |
| Mr. Lloyd Fayling | Public Member, Senate Appointee |
| Ms. Suzan Hensel | National Emergency Number Association |
| Chief Kay Hoffman | Michigan Association of Chiefs of Police |
| Undersheriff Jim Hull | Deputy Sheriff's Association |
| Ms. Norene Lind | Dept. of Labor and Economic Growth |
| Mr. Jim Loeper, representing Mr. Robert Struck | UP Emergency Medical Services Corporation |
| Lt. Col. Thomas Miller | Department of State Police |
| Mr. Monty Nye representing Mr. Paul Hufnagel | Michigan Professional Firefighters Association |
| Mr. Charles Nystrom | Public Member, House Appointee |
| Mr. Scott Temple | Commercial Mobile Radio Service |
| Chief Paul Trinka | Michigan Association of Fire Chiefs |

| MEMBERS ABSENT | REPRESENTING |
|-----------------------|--|
| Mr. Dale Berry | Michigan Association of Ambulance Services |
| Mr. Hugh Crawford | Michigan Association of Counties |
| Mr. John Hunt | Public Member, Governor's Appointee |
| Mr. Dan Kearney | Michigan Public Service Commission |
| Tpr. Michael Moorman | Michigan State Police Troopers Association |

| STAFF SUPPORT | REPRESENTING |
|--------------------------|-----------------------|
| Ms. Harriet Miller-Brown | Michigan State Police |
| Ms. Janet Hengesbach | Michigan State Police |

ROLL CALL

The Emergency Telephone Service Committee (ETSC) meeting was called to order by Sheriff Dale Gribler at 10 a.m. Roll call was taken and a quorum was present for the meeting.

Association of Public Safety Communications Officials • Commercial Mobile Radio Service • Department of Labor and Economic Growth •
Department of State Police • Deputy Sheriff's Association • Fraternal Order of Police • Michigan Association of Ambulance Services •
Michigan Association of Chiefs of Police • Michigan Association of Counties • Michigan Communications Directors Association • Michigan Association of Fire Chiefs •
Michigan Professional Firefighters Union • Michigan Public Service Commission • Michigan Sheriffs' Association • Michigan State Police Troopers Association •
National Emergency Number Association • Telecommunications Association of Michigan • Upper Peninsula Emergency Medical Services •
Members of the general public appointed by the Governor, Speaker of the House, and Majority Leader of the Senate

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APPROVAL OF MINUTES

A **MOTION** was made by Mr. John Bawol to approve the minutes of the March 22, 2005 ETSC meeting. Supported by Chief Kay Hoffman, the **MOTION** carried.

On behalf of the ETSC, Chair Dale Gribler extended condolences to Mr. Robert Currier for the recent death of his mother. Also, Chair Gribler asked for a moment of silence for the recent death of Mr. Tom Altland, Mason/Oceana County Central Dispatch 9-1-1 Director.

OLD BUSINESS

A. Montcalm County Re-Appeal – Dispatcher Training Funds Distribution

Ms. Carol Swainston appeared before the committee on behalf of Montcalm County to re-appeal the previous decision by the ETSC regarding the dispatcher training fund distribution. She explained the forms were signed in December but there was a transition of comptrollers and the forms were forwarded to the State 9-1-1 Administrator's office after the February 11, 2005 deadline. After much discussion with the members, Chief Paul Trinka made a **MOTION** to deny the re-appeal for dispatcher training funds by Montcalm County. Mr. Charles Nystrom supported, the **MOTION** carried.

B. Updates on ETSC appointments

Chair Gribler inquired about Mr. John Hunt and Mr. Scott Temple's re-appointments to the ETSC. Mr. Hunt and Mr. Temple have made contact with the Governor's office. They have been advised they should hear something by the end of June 2005. Mr. Lloyd Fayling has been reappointed by Senator Sikkema as the Senate Representative on the committee.

NEW BUSINESS

A. SBC Invoices

An invoice from SBC in the amount of \$157,165.23 was submitted to the State 9-1-1 Administrative office from the Michigan Public Service Commission for approval from the ETSC. Mr. Jim Hull made a **MOTION** to approve the invoice from SBC, Chief Kay Hoffman supported, the **MOTION** carried.

B. Letter to Congress – re: E9-1-1 Act

Ms. Harriet Miller- Brown developed and presented a letter to the Committee which they recommended to be mailed to all members of US Appropriations Committee and Michigan Congressional delegation on behalf of the ETSC. The letter is requesting for appropriations for HR 5419 that was recently signed into effect. It is a five-year bill which allows matching grants to be distributed to states to improve their 9-1-1 communications. The bill would ultimately move the Phase I and Phase II implementation quicker through the states. The letter endorses an appropriation to the bill as well as introducing the ETSC to the Appropriations Committee. Ms. Susan Hensel made a **MOTION** to approve the letter and mailing, Mr. James Loeper supported. Following discussion, the **MOTION** carried.

C. Tracfone

The State 9-1-1 Administrator's office received a letter from Tracfone requesting that the State of Michigan reimburse Tracfone approximately \$541,000 that was submitted by them several years ago. Representatives from Tracfone have reviewed the Michigan legislation and the ETSC Position Paper which recognizes the issue of prepaid wireless not being collected in the State of Michigan. Tracfone has also requested surcharge money back from states other than Michigan. Ms. Miller-Brown forwarded the letter to Treasury and the Attorney General's office. The Attorney General's office will be in contact with Treasury once they have reviewed and made their opinion (It has been forwarded to the AG's Revenue Division). Mr. Charon made a **MOTION** the ETSC

draft a letter to the Attorney General's office that the funds were erroneously submitted to the State of Michigan and encourage them to refund these funds back to Tracfone. Mr. Nystrom supported. After discussion, the **MOTION** carried.

D. Use of ETSC endorsement by 3rd parties

Mr. Hunt raised a concern that at the recent Michigan NENA conference in Grand Rapids, Michigan, Mr. Doug VanEssen made a presentation that appeared on the cover of the handouts as though the Michigan ETSC supported the session. The ETSC supports the funds and the Training Subcommittee approves contents for the sessions but does not endorse or support the sessions. Chair Gribler deferred this issue to the Policy Subcommittee to develop guidelines for use of ETSC endorsements by third parties.

CMRS SUBCOMMITTEE REPORT

A. Review of Invoices

Lt. Col. Thomas Miller reviewed the most recent invoices with the committee. Support staff had previously removed all information identifying the CMRS suppliers from the documents. Contact was made by support staff with the Department of Treasury representatives to confirm the CMRS suppliers are registered with the State of Michigan and that funding has been contributed under the Federal Identification numbers provided by the suppliers.

A **MOTION** was made by Mr. Loeper to approve payment of **invoices**: 05-0010, 05-0011, 05-0012, 05-0014, 05-0015, 05-0016, 05-0022, 05-0023, 05-0024 in the amount of \$303,469.23. Supported by Ms. Susan Hensel, the motion carried.

A **MOTION** was made by Chief Hoffman to approve payment of **invoice**: 05-0013 in the amount of \$92,958.08. Supported by Mr. John Bawol, the motion carried.

A **MOTION** was made by Lt. Col. Miller to approve payment of **invoice**: 05-0017 in the amount of \$362,555.41. Supported by Mr. Bawol, the motion carried.

A **MOTION** was made by Lt. Col. Miller to approve payment of **invoices**: 05-0018, 05-0019, 05-0020 and 05-0021 in the amount of 60,188.92. The supplier did not have funds available and the subcommittee recommended reimbursements at 125% of funds available. Supported by Chief Hoffman

A **MOTION** was made by Lt. Col. Miller to approve payment of **invoices**: 05-0025b and 05-0026 in the amount of \$152,103.61. The supplier did not have funds available. The subcommittee recommended the State 9-1-1 Administrator's office contact the supplier to resubmit an invoice for funds available, they did that. The subcommittee recommended reimbursement at 125% of funds available. Supported by Mr. Loeper, the motion carried

A **MOTION** was made by Lt. Col. Miller to approve payment of **invoices**: 05-0027 and 05-0028 in the amount of \$590,726.90. Supported by Ms. Hensel, the motion carried.

Lt. Col. Miller noted there is approximately 25 million available in the CMRS after the above invoices are paid.

Lt. Col. Miller advised the ETSC that the Senate has approved a general government budget bill. In the bill, they have restored funding in the amount of approximately 26.2 million for revenue sharing. They are going after several funding sources to do this, one being the CMRS fund. He is not certain which portion of the CMRS fund they are considering. It is indicated by "location of cell phone users." The idea is that 6 million dollars would be removed from that fund. Sen. Ken Sikkema's office said they are not certain what part of the fund would be taken. Lt. Col. Miller

encouraged Sen. Sikkema's office to meet with the ETSC members to further discuss the issue with fiscal and senate. The ETSC discussed the money left in the fund by suppliers that have opted out of CMRS fund. Ms. Miller-Brown noted there approximately 8.2 million in that portion of the CMRS fund. Mr. Nystrom recommended that Mr. Lloyd Fayling, Senate appointee to the ETSC, be kept updated regarding this issue.

Mr. Charon made a motion that a committee be developed with members to be determined by the ETSC Chair, to further discuss this issue and make recommendation. Ms. Hensel supported. After discussion, the **MOTION** carried.

B. Cingular Opt out

The State 9-1-1 Administrator's office was recently notified that Cingular and A T & T recently merged their businesses and customer base subscribers that were formerly A T & T and will be opting out of the CMRS fund.

LEGISLATIVE ACTION SUBCOMMITTEE REPORT

The LAS recently developed a recommendation with two goals: 1) to extend the current sunset date and 2) to include prepaid wireless services into the CMRS 9-1-1 service charge. The subcommittee recommended that they pursue December 1, 2008 sunset date. The LAS wants to maintain a sense of urgency and also make sure counties have enough time for ballot issues that may be coming up. With regard to the prepaid wireless language, the LAS, in keeping with the ETSC's position paper, does not want to increase the current surcharge, but to develop language that could generate 9-10% revenue to PSAPs to offset wireline losses while a permanent solution is being worked on.

The subcommittee has created a workgroup (Stable Funding Workgroup-SFW). The intent is to develop a long term stable funding strategy for 9-1-1 as a state. Sheriff Gribler will contact the Michigan Public Service Commission to ask for representation from that entity to the SFW.

POLICY SUBCOMMITTEE REPORT

No report.

CERTIFICATION SUBCOMMITTEE REPORT

A. Approval of revised Allowable/Disallowable Expenditures

Mr. Charon discussed the recommendations the subcommittee has proposed in this document. They recommend adding that Disallowable Expenses are meant to serve as examples only. If the expense is not in the Allowable column, one should consult the ETSC Appeals Process for determining if the expense is allowable or disallowable. The other recommendation is to add Addressing Implements as another example under disallowable expenses i.e. house numbers or 9-1-1 address signs. Mr. Charon made a **MOTION** to make these changes to the Allowable/Disallowable expenditures policy. Ms. Hensel supported. After discussion with the members, the **MOTION** carried.

B. Antrim County Compliance Review Report

A question came up at the last ETSC meeting about Antrim county needing to add a firefighter to its advisory board. The statute requires a firefighter to be added or sit on the local emergency telephone service board if the plan was adopted after March 2, 1994. Antrim County's plan was adopted June 9, 1994. Antrim County is required to have a firefighter sit on its advisory board. Mr. Charon made a **MOTION** that the Antrim County Compliance Review report be approved and forwarded to the proper authorities in Antrim County, Mr. Nystrom supported, the **MOTION** carried.

C. Definition of "Compliance" as it relates to PA 244

PA 244 of 2003 defines "Compliant" as "having equipment in place and in a state of readiness to deploy" Phase I and Phase II. The Certification subcommittee interpreted that this is meant if a county has equipment in place and receives Phase I and Phase II they are compliant. The subcommittee decided that it takes more than installing equipment; it also involves pursuit of implementation. The ETSC Certification Subcommittee considers requesting Phase I and Phase II, and actively pursuing deployment as a vital element of being at a state of readiness. Mr. Charon made a **MOTION** to endorse that being compliant and at a state of readiness includes the actively pursuing of deployment as an element of being compliant and not simply the installation of equipment. Mr. Fayling so moved, Ms. Hensel supported, the **MOTION** carried.

Mr. Charon made a **MOTION** that all 83 counties be certified for distribution of 3rd quarter wireless surcharge operational funds. Mr. Loeper supported, the **MOTION** carried.

Mr. Charon also discussed that during the certification review process information was received from Kent County. The committee became concerned with the implementation dates submitted. Based on these concerns, the subcommittee decided they will conduct a FOR CAUSE compliance review of Kent County. The dates for this review are to be determined.

The Leelanau County REQUEST on site review will be conducted on July 14/15. A report will be submitted to the committee possibly at the September ETSC meeting

The Isabella County RANDOM review is pending. The Isabella County director has just returned from sick leave. The preliminary information is due to the State 9-1-1 Administrators office in late June.

Mr. Charon briefly discussed the status of Phase I and Phase II deployment. Currently 68 of 83 counties (82%) are active with Phase II deployment. Thank you to Mr. Currier of Intrado for submitting the recent Wall Street Journal article noting Michigan as being in the upper percentage of Phase II wireless deployment in the United States.

Mr. Nystrom also thanked Mr. Currier for all of his assistance with the counties and PSAPs during their Phase II deployment process.

EMERGING TECHNOLOGY SUBCOMMITTEE REPORT

Mr. Fayling noted the subcommittee resolved the VoIP issue. They recently published a news release which was sent to all PSAPs and media outlets in Michigan.

Mr. Fayling and Ms. Hengesbach recently visited the new Veterans and Military Affairs building in Lansing. Videoconferencing is available at this facility and it will be tied into other National Guard facilities in the state. Mr. Fayling discussed the meeting rooms and equipment available. Sheriff Gribler asked that Ms. Hengesbach arrange for the ETSC to hold their December meeting at this facility.

Ms. Miller-Brown and Mr. Fayling are currently reviewing a policy for PSAPs to put a mechanism into place to implement an internal process for assuring accuracy in their wireless database.

A letter was approved by the LAS and the ETSC Executive Committee and mailed to the Michigan Congressional delegation asking for further consideration and support of HR 2418 and S1063 on the VoIP 9-1-1 requirements. The ETSC agrees with legislation and but has added two issues, the need to develop a centralized system of certification and registration for VoIP providers need for language that allows states to enact 9-1-1 surcharge legislation. Ms. Miller-Brown asked the ETSC for support of a letter she will send to the FCC in regard to the rule making on the VoIP order. Lt. Col. Miller made a **MOTION** that the State 9-1-1 office develops

and sends a letter to the FCC on behalf of the ETSC. Mr. Nystrom supported, the **MOTION** carried.

DISPATCHER TRAINING SUBCOMMITTEE REPORT

Tpr. Mike Moorman was unable to attend today's meeting. Ms. Miller-Brown gave the Dispatcher Training Subcommittee report in his absence. There will be some changes in the Dispatcher Training Application process. Tpr. Moorman will present these changes at the September meeting.

Training Fund Use Compliance Policy – The Dispatcher Training Subcommittee recently developed this policy regarding the proper use of Training Funds. This also applies to PSAPs that are no longer in business. The policy gives the State 9-1-1 Administrator's office a formal mechanism of reviewing expenditures and due process if a PSAP is unable to provide proper expenditure information. Ms. Hensel made a **MOTION** to approve the Training Fund Use Compliance Policy. Mr. Nystrom supported. Following discussion, the **MOTION** carried.

Rules for Challenges and Appeals to the Dispatcher Training Fund Distribution process – This requires that once the application process has occurred, if a PSAP does not agree with the outcome of the process, they can go before the Dispatcher Training Subcommittee for an appeal. If the Dispatcher Training Subcommittee rejects the claim, there is a mechanism in place for the PSAP to go to the next ETSC meeting to appeal. This policy is for the application process only. Mr. Nystrom made a **MOTION** to accept the Rules for Challenges and Appeals to the Dispatcher Training Fund Distribution Process Policy, Chief Trinkka supported. Following discussion, the **MOTION** carries.

The State 9-1-1 Administrator's office has received a check for \$3,831.00 from a PSAP that is no longer in business. They are waiting for two other PSAPs who are also no longer in business to account for their Dispatcher Training funds.

The State 9-1-1 Administrator's office is continuing to work on getting information from other states relative to dispatcher training information. Tpr. Moorman will develop a workgroup to research the information that has been received.

STATE 9-1-1 ADMINISTRATORS REPORT

Ms. Miller-Brown noted the 1st Regional meeting of the State 9-1-1 Administrators office went well. The participation was good and very informative. She would like to schedule a meeting in the Upper Peninsula and a meeting in the Detroit Metro area later this year.

The county forms for the Annual Report to the Legislature were mailed in mid-May. This year some additional questions were asked of counties and PSAPs. These include 9-1-1 costs for county, the amount of 9-1-1 surcharges, and how much revenue do the surcharges generate. The information is due back in the State 9-1-1 Administrator's office on Friday July 1, 2005.

The State 9-1-1 Administrator's office filed an informal FCC complaint against Dobson Cellular. The complaint was filed on behalf of 14 counties that had outstanding Phase II requests in excess of 6 months. The other part of the FCC complaint was on behalf of two counties regarding Phase I deployment. It was discovered that Dobson did not deploy Phase I service in those counties. Her office has not received word from the FCC regarding the status of the complaints; only that the information has been received by them.

Ms. Miller-Brown explained that the recent letter to the Michigan Congress regarding VoIP was not presented to the ETSC prior to the mailing as it was sent to the Executive Committee and

time was of the essence to get the letter to Congress. A copy of the letter is in the members packets.

PUBLIC COMMENT

Chair Gribler advised that Mr. Bob Tarrant is the director of Public Safety Communication Systems Board. If PSAPs have any questions, they should contact him. Chair Gribler also recommended that APCO and NENA should consider inviting Mr. Tarrant to their upcoming meetings to give updates.

Chair Gribler noted that this Ms. Norene Lind's last ETSC meeting as she has been promoted.

Ms. Hensel told the committee that the Michigan NENA emphasizes the importance of becoming an Emergency Number Professional (ENP). Michigan leads the nation with new ENPs. Michigan NENA sees the ENP exam as setting good standards for certification for 9-1-1 professionals.

Lt. Col. Miller said that he would like support from the ETSC for a letter to the congressional delegation to upgrade the LEIN system. The system provides critical functionality to PSAPs. It was developed in 1960's and still on the same operating platform as when it was developed. LEIN would like to move it off the current mainframe to the Enterprise platform as it will provide users with additional functionality. They are trying to find alternative funding sources as to not have to pass costs to PSAPs and public safety. Mr. Nystrom made a **MOTION** to support a letter to the Congressional delegation, Mr. Hull supported. Following discussion with members, the **MOTION** carried. Ms. Hensel abstained.

Mr. Ralph Gould, Grand Rapids Police Department, discussed the 120 day window on the VoIP order. He expressed concern that based on history this could be extended and there was not going to be a solution at the end of 120 days.

Mr. Barry Nelson from Saginaw County discussed the 9-1-1 surcharges in his county. In 1999 there were 122,000 wirelines, in 2005 that number dropped to 97,000. That is a drop of 25,000 lines which is the equivalent to 1.2 million dollars that Saginaw County is losing per year. Currently there is a wireline user charge of \$4.00 per land line. The cell phone users pay \$.25 per month. He also noted that all wireless funds go into a fund to only upgrade equipment. Chair Gribler noted that the LAS committee is in the process of developing a long-term strategy for a funding mechanism to address this issue.

Sheriff Gribler thanked NENA for today's refreshments.

NEXT MEETING

The next meeting will be Monday September 19, 2005 in St. Ignace Michigan at 10:00 a.m at the Little Bear Conference Center. The directions to this venue are in the members packets and will also be posted in the ETSC website.

ADJOURN

Mr. Charon made a **MOTION** to adjourn, Ms. Hensel supported, the **MOTION** carried

The meeting adjourned at 1:15 p.m.